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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,046	04/24/2001	Philippe Antoine	Q63899	3700
7590 06/16/2005			EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC			KIM, JUNG W	
Pennsylvania Avenue, N.W.			ART UNIT	
Washington, DC 20037-3213			PAPER NUMBER	
			2132	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,046

Applicant(s)

ANTOINE, PHILIPPE

Examiner

Jung W. Kim

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6, 8-10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4, 6, 8-10 and 12 are pending.
2. Applicant amended claims 1-4, 6, 8 and 12 in the amendment filed on May 31, 2005.
3. Claims 5, 7 and 11 have been canceled.
4. The indication of allowability of claims 1-4, 6, 8-10 and 12 in the previous Office action dated May 31, 2005 are withdrawn in view of the 101 issues as presented below. Moreover, objections to claims 3, 6, 9 and 12 are outlined below for failure to further limit the parent claims:

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6, 8-10 and 12 are rejected under 35 U.S.C. 101 because the claims are not tangible. These claims defined a method and generator wherein none of the elements or features of the claimed invention are necessarily implemented in hardware. The specification defines most of the enabling disclosure as functional blocks and not as being implemented in any type of hardware (specification, pg. 11, lines 29-30). It is suggested to amend the claims to specify a hardware embodiment, such as defining at least one of the steps as necessarily implemented in hardware.

Specification

6. Claims 3, 4, 6, 9, 10 and 12 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The test for a dependent claim is whether the dependent claim includes every limitation of the parent claim. In the case of dependent claims 3 and 4, these claims define a multi-carrier transmitter comprising the pseudo-random sequence generator defined in parent claim 2; as such, claims 3 and 4 do not include every limitation of the pseudo-random sequence generator defined in claim 2. In the case of dependent claim 6, this claim defines a multi-carrier receiver comprising the pseudo-random sequence generator defined in parent claim 2; as such, claim 6 does not include every limitation of the pseudo-random sequence generator defined in claim 2. In the case of dependent claims 9 and 10, these claims define a multi-carrier transmitter comprising the pseudo-random sequence generator defined in parent claim 8; as such, claims 9 and 10 do not include every limitation of the pseudo-random sequence generator defined in claim 8. In the case of dependent claim 12, this claim defines a multi-carrier receiver comprising the pseudo-random sequence generator defined in parent claim 8; as such, claim 12 does not include every limitation of the pseudo-random sequence generator defined in claim 8.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is (571) 272-3804. The examiner can normally be reached on M-F 9:00-5:00.

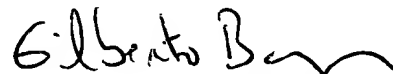
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim
Examiner
Art Unit 2132

Jk
June 13, 2005



GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
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